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12 Attorneys for Defendant and Counterclaimant  
13 PHILIPS LUMILEDS LIGHTING COMPANY, LLC

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION  
17

18 EPISTAR CORPORATION,

19 Plaintiff,

20 v.

21 PHILIPS LUMILEDS LIGHTING  
22 COMPANY, LLC,

23 Defendant.

24 AND RELATED COUNTERCLAIMS  
25

Case No. C 07-5194 CW

**DECLARATION OF ANDREW J. WU IN  
SUPPORT OF PHILIPS LUMILEDS  
LIGHTING COMPANY'S MOTION TO  
STAY**

MOTION UNDER SUBMISSION  
PURSUANT TO COURT ORDER DATED  
JANUARY 29, 2008

1 I, Andrew J. Wu, declare as follows:

2 1. I am an attorney duly licensed and admitted to practice before this Court and a  
3 partner in the law firm of Morgan, Lewis & Bockius LLP. I am one of the attorneys for  
4 defendant and counterclaimant Philips Lumileds Lighting Company, LLC ("Lumileds"), in the  
5 present action. I have personal knowledge of the facts stated herein, and if called and sworn as a  
6 witness, I could testify competently thereto. I make this declaration in support of Lumileds'  
7 motion to stay the above-entitled proceedings pending the resolution of the related proceedings in  
8 the United States International Trade Commission.

9 2. I am one of the attorneys for defendant and counterclaimant Lumileds in the  
10 proceedings before the United States International Trade Commission ("ITC"), titled *In the*  
11 *Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, Inv.  
12 No. 337-TA-556 (the "ITC Investigation").

13 3. On December 8, 2005, the ITC issued a protective order (Order No. 1) and the  
14 ground rules for the ITC Investigation (Order No. 2). Attached hereto as Exhibit A is a true and  
15 correct copy of the protective order issued by the Administrative Law Judge in the ITC  
16 Investigation. Pursuant to the protective order, many of the pleadings, exhibits, and  
17 administrative determinations are confidential and may not be revealed to persons not involved in  
18 the proceedings. As a result, all of the exhibits attached hereto from the ITC Investigation are the  
19 public version and may contain redacted text. A confidential, non-redacted version will be  
20 provided to the Court upon request.

21 4. Attached hereto as Exhibit B is a true and correct copy of the public version of the  
22 Commission Opinion on Violation, Remedy, the Public Interest, and Bonding issued by the ITC  
23 on May 30, 2007 in the ITC Investigation.

24 5. Attached hereto as Exhibit C is a true and correct copy of the public version of the  
25 letter dated May 9, 2007, from Daniel R. Pearson, Chairman of ITC, to The President of the  
26 United States summarizing the ITC's opinion and exclusion order and attaching the Notice of the  
27 Commission's Decision and the Limited Exclusion Order.



**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Amy M. Spicer, am the ECF user whose ID and password are being used to file the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting Company's Motion to Stay. In compliance with General Order 45.X.B., I declare under the penalty of perjury under the laws of the United States of America that Andrew J. Wu has concurred in this filing.

Executed this 31st day of January 2008, at San Francisco, California.

/s/ Amy M. Spicer

Amy M. Spicer